

OPINION
50-125

November 1, 1950 (OPINION)

OFFICERS

RE: Qualifications of Judges of Elections

I acknowledge receipt of your letter of November 1, 1950, wherein you state that there seems to be some confusion in some districts as to our election laws as to whether one can serve as judge in one precinct and be a bona fide voter in another; in other words can an elector in one precinct serve as election judge in another precinct? For instance, if the elector votes in precinct No. 1, can he serve as judge in precinct No. 2?

In reply I beg to advise and cite you section 16-1007, NDRC, 1943, which reads as follows:

"JUDGES OF ELECTION; APPOINTMENTS; QUALIFICATIONS. Prior to the opening of the polls in his precinct, the inspector of elections shall appoint as judges of election two qualified electors of such precinct who:

1. Shall have been residents of the precinct for at least ninety days next preceding such election; and
2. Are members of different political parties and of the two parties which cast the highest number of votes at the preceding general election."

It is, therefore, the opinion of this office that a judge of election must be a qualified elector of the precinct where he is to serve and must have been a resident of that precinct at least ninety days next preceding such election.

WALLACE E. WARNER

Attorney General